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ingress/egress opening is centrally disposed with respect to said lengthwise and widthwise dimensions of said body portion and has a predetermined area;

(b) an elastic band disposed about said edge; and

(c) a single bow aperture disposed in a predetermined position in said body portion proximate one end portion of said body portion, said bow aperture having a predetermined area which is substantially less than said predetermined area of said ingress/egress opening such that only the bow can extend through it, adapted so that, when the glasses are disposed in said body portion interior, one said eyeglass bow extends through said bow aperture to the exterior of the body portion, while the remainder of the eyeglasses are disposed in the interior pouch, whereby said body portion protects the eyeglass lenses and wherein the extended bow of the eyeglasses are accessible and wherein said extended bow may be used to hang the eyeglasses on an external surface.

ATTACHMENT:

Attached hereto is a marked-up version of the changes made to by the current amendment. The attached pages are captioned "Version With Markings to Show Changes Made."

REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant. Reconsideration of the application is respectfully requested.

**1. Summary of the Office Action.**

The drawings were objected to.

The disclosure was objected to.

Claims 1-15 were pending.

Claims 1-15 stand rejected under 35 U.S.C §112, second paragraph.

Claims 1-10, 12, 13 and 15 stand rejected under 35 U.S.C §102(b) over Eastman.

Claims 11 and 14 stand rejected under 35 U.S.C §103(a) over Eastman in view of Official Notice.

**2. Discussion.**

The drawing objections are noted. Upon the close of prosecution corrected formal drawings will be submitted.

**Claims 1-15.** These claims were rejected under 35 USC §112, second paragraph. Applicant has amended claims 1 and 15 to delete the references to "said" eyeglasses and clarify that applicant claims a protective cover for use with eyeglasses only. For these reasons, the claims particularly point out and distinctly claim the subject matter which applicant regards as the invention. The remaining dependent claims are consistent with the language of base claim 1. Withdrawal of the rejection is believed to be in order.

**Claims 1-10, 12, 13 and 15.** These claims were rejected under 35 USC §102(b) as being anticipated by Eastman.

**Claim 1** is amended to patentably distinguish over Eastman by defining that the opening be for insertion and removal of eyeglasses and that it be disposed in the center of the body, and that there be a separate aperture near an end of the body portion for extension of the eyeglasses bow therethrough, to the exterior when in use so that the eyeglasses and case may be hung on a shirt, pants, swimsuit or the like, while the remainder of the eyeglasses is protected in an interior of the

body portion. In order for the eyeglasses protector to perform this dual hanging and protection function, the ingress/egress opening must be centrally disposed in the body portion and the bow aperture must be disposed proximate the end of the body portion. This structure and function is not shown or suggested in Eastman. In contrast, Eastman discloses bodies with openings disposed only at its end or ends 21. Nowhere does Eastman disclose or even suggest placing an opening in the center of the body, nor anywhere but the end. Moreover, Eastman proposes that the wall restriction 22 be located "midway along the length of the [body]..." (column 3, lines 16-18, and Figures 3 and 6). Eastman also discloses that its opening(s) are only for ingress or egress of the glasses. Nowhere does Eastman disclose or suggest extending a bow through an opening. Referring to column 5, lines 6-10, the envelope 20 covers the arms 36 and 38. Assuming that a glasses bow were to be accessed out of the opening as the examiner proposes: (1) a portion of glasses lens 34 or 35 would be exposed to the exterior and vulnerable to scratching, and (2) the nose bridge 32 of the glasses would not be engaged by the retention means 22 whereby the glasses could separate from the envelope 20 if hung. The invention as amended has the advantage of completely protection of the lens, and secure holding of the lens in the interior, while permitting the hanging of the glasses via extension only of the bow out of the protector. It is submitted that this amendment clearly avoids the applied prior art. Dependent **claims 2, 3 and 8** are cancelled because they have been incorporated in this amendment. Withdrawal of the rejection with respect to claim 1 and its dependent claims 4-7 and 9-14, is requested. The claims are believed to be unobvious for the reasons discussed above.

**Claim 7**, which is dependent on claim 1, is further amended to require that the body portion have lengthwise and widthwise dimensions, that the ingress/egress opening be relatively large, that the bow aperture be relatively small such that only the bow can extend through it, and that the bow

aperture be located proximate a body end. This structure and function is not shown or suggested in Eastman which, in contrast, shows only one aperture or two apertures both of the same size, and large enough for the entire glasses to extend through it. Applicant's invention has the advantage of full protection and security. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim 1 above.

**Claim 15** is amended to patentably distinguish and limit over Eastman by defining the invention to require all of the elements of claim 1 (amended) and claim 7 (amended) discussed above. Withdrawal of the rejection with respect to claim 15 is requested.

**Claims 9, 11 and 12.** These claims are amended in view of the amendment or cancellation of claims above.

### **3. Conclusion.**

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

Any fees due are calculated as follows:

Number

Fee

TOTAL claims remaining over that previously paid for:

None

\$0

INDEPENDENT claims remaining over that previously paid for:

None

\$0

SUM claim fees:

\$0

EXTENSION fees:

\$465.00

OTHER fees:

\$0

TOTAL AMOUNT (if any)

\$465.00

☐ Paid by enclosed check.

☒ Paid by enclosed Credit Card Payment Form(s) PTO-2038.

Respectfully submitted,



Date:

2-13-03

Joel D. Skinner, Jr.  
Reg. No. 33,786

Skinner and Associates  
212 Commercial Street  
Hudson, Wisconsin 54016  
Tel.: (715) 386-5800  
FAX: (715) 386-6177  
Internet e-mail: [info@skinnerlaw.com](mailto:info@skinnerlaw.com)

cc: Mr. Dan Anderson (For Records)



**REQUEST FOR EXTENSION OF TIME**

Pursuant to 37 C.F.R. 1.136(a), Applicant(s) requests that a 3 month extension be granted in which to file the attached communication from the applicant(s).

A \$ 465.00 payment, for a ☒ small ☐ large entity, is enclosed for the fee required under 37 CFR 1.17.

Please charge any additional or underpayment in fee due, or credit any overpayment, to Deposit Account No. 19-2381.

Respectfully submitted,

Date: 2-13-03

Joel D. Skinner, Jr.

Reg. No. 33,786

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**RECEIVED**  
FEB 25 2003  
TECHNOLOGY CENTER R3700



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE ABSTRACT:

ABSTRACT OF THE DISCLOSURE

RECEIVED  
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An eyeglass protective device[, comprising] is disclosed including a body portion with an edge. The edge defines an opening through which a pair of eyeglasses may be inserted into the body portion. The body portion protects the eyeglass lenses. An eyeglass bow is accessible when the eyeglasses are in the body portion and may be used to hang the eyeglasses. The body portion is formed from a cloth-like material, is stretchable, is adapted to snugly fit around said eyeglasses, and is adapted for cleaning eyeglass lenses. The body portion has a bow aperture in a predetermined position, wherein an eyeglass bow may extend through the bow aperture. The device may be used for other personal items such as cell phones.

IN THE CLAIMS:

1. (Amended) A protective device for a [personal item] eyeglasses, comprising a body portion with an edge, said edge defining an ingress/egress opening which is centrally disposed in said body portion, and which is adapted for [through which the personal item may be] insert[ed]ion [into] and removal of eyeglasses relative to an interior pouch defined by the body portion, the protective device further comprising a bow aperture which is disposed in said body portion at an end thereof, and which is adapted for extension therethrough of the bow of the eyeglasses to the exterior of the body portion, while the remainder of the eyeglasses are disposed in the interior pouch, where[in]by said body portion protects

the [personal item] eyeglasses and where[in]by [a] the bow[portion] of the [personal item] eyeglasses is accessible on the exterior of the body portion [and may be used to] for hanging [said] the eyeglasses.

7. (Amended) The eyeglass protective device of claim [4] 1, wherein said body portion has a lengthwise dimension with opposing end portions and a widthwise dimension which is relatively less than said lengthwise dimension, and wherein said ingress/egress opening is centrally disposed with respect to said lengthwise and widthwise dimensions of said body portion and has a predetermined area, and wherein [further comprising a] said bow aperture is disposed in a predetermined position proximate one end portion of said body portion and has a predetermined area substantially less than said predetermined area of said ingress/egress opening such that only the bow can extend through it], wherein said eyeglass bow extends through said bow aperture].

9. (Amended) The eyeglass protective device of claim [8] 1, wherein said edge includes means for drawing<sup>1</sup> said body portion snugly around said eyeglasses.

11. (Amended) The eyeglass protective device of claim 9, wherein said means for drawing said body portion snugly around said eyeglasses includes a single draw band disposed about said ingress/egress opening.

12. (Amended) The eyeglass protective device of claim [8] 1, wherein said pouch-like covering has a display portion when covering said eyeglasses.



15. (Amended) A flexible, portable, protective device for eyeglasses having a pair of lenses and a pair of bows, comprising:

- (a) a body portion constructed of a stretchable, cloth-like material configured in a pouch configuration, said body portion having an edge defining [an] a single ingress/egress opening [through which] adapted for insertion and removal of the eyeglasses [may be inserted into] an interior of the body portion, the body portion having a lengthwise dimension with opposing end portions and a widthwise dimension which is relatively less than said lengthwise dimension, and wherein said ingress/egress opening is centrally disposed with respect to said lengthwise and widthwise dimensions of said body portion and has a predetermined area;
- (b) an elastic band disposed about said edge; and
- (c) a single bow aperture disposed in a predetermined position in said body portion proximate one end portion of said body portion, said bow aperture having a predetermined area which is substantially less than said predetermined area of said ingress/egress opening such that only the bow can extend through it, adapted so that, when the glasses are disposed in said body portion interior, one said eyeglass bow extends through said bow aperture to the exterior of the body portion, while the remainder of the eyeglasses are disposed in the interior pouch, whereby said body portion protects the eyeglass lenses and wherein [a portion] the extended bow of the eyeglasses are accessible and wherein said extended bow may be used to hang [said] the eyeglasses on an external surface.